

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 4/11/2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAMON PEGUERO,

Plaintiff,

v.

JOSEPH T. SMITH,

Defendant.

No. 14-CV-6128 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On July 23, 2014, Petitioner Ramon Peguero, who is proceeding *pro se*, filed a petition for a writ of habeas corpus challenging his 2007 conviction in New York State Supreme Court. The case was referred to Magistrate Judge Michael Dolinger for a report and recommendation. On November 23, 2015, Judge Dolinger issued a report and recommendation (the “Report”) recommending that petition be denied. Petitioner did not object to the Report.

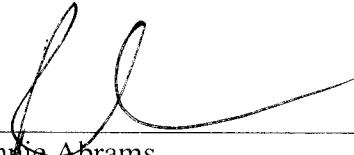
A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge’s recommended findings “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2). “When the parties make no objections to the Report, the Court may adopt the Report if ‘there is no clear error on the face of the record.’” *Smith v. Corizon Health Services*, No. 14-CV-8839 (GBD), 2015 WL 6123563, at *1 (S.D.N.Y. Oct. 16, 2015) (quoting *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005)). “Furthermore, if as here . . . the magistrate judge’s report states that failure to object will preclude appellate review and no objection is made within the allotted time, then the failure to object generally operates as a waiver of the right to appellate review. As long as adequate notice is

provided, the rule also applies to *pro se* parties.” *Hamilton v. Mount Sinai Hosp.*, 331 F. App’x 874, 875 (2d Cir. 2009) (internal citations omitted).

As no objections to the Report were filed, the Court has reviewed Judge Dolinger’s well-reasoned Report for clear error. After careful review of the record, the Court finds none and thus adopts the Report in its entirety. It is therefore ordered that the petition is denied. The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: April 11, 2016
New York, New York



Ronnie Abrams
United States District Judge